

## **REMARKS**

Claims 1 and 3-55 were pending. With entry of this response, claims 1, 8, 9, 11-13, 15-20, 22, 24, 26, 29-31, 33-37, 39, 41-45, and 47-55 are amended; and claims 10, 21, 23, 38, and 40 have been canceled, without prejudice or disclaimer. Support for these amendments is found throughout the originally filed specification and claims. Thus, claims 1, 3-9, 11-20, 22, 24-37, 39, and 41-55 remain pending.

### **Claim Objections**

The Examiner objected to claims 1, 3-8, 17-33, and 52-53 for several informalities. Office Action, page 2. Applicant has amended the claims to incorporate the Examiner's suggested claim language in each of the claims. Applicant thanks the Examiner for her helpful suggestions and respectfully requests that the objections be withdrawn.

### **Indefiniteness Rejection**

The Examiner rejected claims 9-16, 34-51 and 54-55, under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Office Action, pages 2-4. According to the Examiner, it is not clear from the language of the claims how the appearance of spectra corresponding to wave numbers obtained by measuring absorption or emission of cancer cells, bacteria, or viruses relates to the screening of a drug. *Id.*, page 3.

Applicant has amended the claims to incorporate the claim language suggested by the Examiner in each of the claims. Applicant submits that the presently amended claims are not indefinite and respectfully requests that the rejection be withdrawn.

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### **Novelty and Obviousness Rejections**

The Examiner rejected claims 1-3, 8, and 25 under 35 U.S.C. 102(b), as allegedly being anticipated by Cohenford *et al.* (WO 97/18566), Oong *et al.* (U.S. Patent No. 5,168,162), or Wong *et al.* (U.S. Patent No. 5,038,039). Office Action, pages 4-6. The Examiner also rejected claims 1-3, 7-8, 25, and 32 under 35 U.S.C. 102(b), as allegedly being anticipated by Zakim *et al.* (U.S. Patent No. 5,733,739). Office Action, pages 6-7.

Additionally, the Examiner rejected claims 1, 3-12, 16-18, 25-30, 32, 34-35, 42-49, and 52-55, under 35 U.S.C. 103(a), as allegedly being obvious over JP 285296, in view of Cohenford *et al.*, Oong *et al.*, or Wong *et al.* ("secondary references") Office Action, pages 7-9. The Examiner also rejected claims 9-11, 13-16, 42-43, 45-47, and 54-55, under 35 U.S.C. 103(a), as allegedly being obvious over JP 286740, in view of Cohenford *et al.*, Oong *et al.*, or Wong *et al.* Office Action, pages 9-10

The Examiner acknowledged that claims 19-24, 31, 33, 36-41, and 50-51 are free of the prior. According to the Examiner, claims 19-24, 31 and 33 would be allowed if rewritten so they do not depend from a rejected base claim. Also, claims 36-41 and 50-51 would be allowed if rewritten to overcome the § 112 rejections. Office Action, page 10.

Applicant respectfully traverses the novelty and obviousness rejections for the reasons already made of record. However, solely to further prosecution of this application, Applicant has amended the claims to incorporate the limitations from some of the allowed claims into the rejected claims. For example, the subject matter of allowable claims 21 and 23 has been incorporated into independent claim 1. Similarly,

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the subject matter of allowable claims 21, 23, 38, or 40, has been incorporated into the other independent claims (8, 9, 16, or 52-55). Thus, Applicant submits that the amended independent claims, and subsequent dependent claims, are all free of the prior art. Accordingly, Applicant respectfully requests that the novelty and obviousness rejections be withdrawn.

### SUMMARY

In view of the above amendments and remarks, Applicant submits that this application is in condition for allowance. An early and favorable action is earnestly solicited.

Please grant any extensions of time required to enter this reply and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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